

EXHIBIT GG

The Evidence: “Android Using Harmony Code is Illegal”

From: sa3ruby@gmail.com. Sent: 4/17/2008 12:30 PM.
To: [-] members@apache.org.
Cc: [-] .
Bcc: [-] .
Subject: Re: and what if we e

On Thu, Apr 17, 2008 at 3:08

> Sam Ruby wrote:

>
>> On Thu, Apr 17, 2008 at

> wrote:

>>> Here's an idea:

> > > 1) we keep fight

> > > 2) in sign of go

>>> restriction as S
>>>

```
>>> 3) we run it again
>>>
```

```
>>> 4) we release t
>>> 20
```

> > > with the NOTIC

> > > clear that such

- >>> in violation of order

> > > 5) we "do not" :

> distribute
> > > it bundled.

$$\begin{array}{r} \rightarrow \rightarrow \rightarrow \\ \rightarrow \rightarrow \rightarrow 0 \end{array}$$

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>>> Why is this use
```

```
>>> Why is this use
>>> -----
```

> > > The FOU restri

- > > > could still sue u
- > can

- >>> be turned into t
- > would

- >>> be incredibly well
- >>> software project

Why this is good

Why this is pro-

> > > a) The Harmon

```
> open
> > > source software
```

> (and
> > > blame Sun for i

> > >
> > > b) The ASE wo

>>> time in its histo

> > > Why is this inte

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```
> >
> > The point would be to show Sun that FOU restrictions don't work. are
> > toxic
> > to an open development environment (including the ones they are are
> trying
> > to create themselves) and can be easily bypassed.
```

> On Thu, Apr 17, 2008 at 12:50 PM, Stefano Mazzocchi <stefano@apache.org>
wrote:

>
> > None of this addresses my particular sticking points, which I can
> > summarize as the following:
>
> > Thanks, this helps. See my comments below though.

But what I was missing is the fact that the copyright on the API is real and hard to ignore.

- > Simply by implementing a class with the same signature of another, in
- > another namespace and simply by looking at available javadocs could be
- > considered copyright infringement, even if the implementation is clean room
- >
- > So, we are, in fact, infringing on the spec lead copyright if we distribute

This makes us **already** doing illegal things (in fact, **Android using Harmony code is illegal as well**).

- > > 2) The ASF will not tell our licensees that they need to test their
- > > product with any given TCK, even if weakly phrased as "it is strongly
- > > recommended..."
- > >
- > > 3) The ASF will neither acknowledge nor speculate on the possible
- > > consequences of any loss of certification that might arise as a result

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Oracle America v. Google, 3:10-cv-03561-WHA

ASE-GOOGLE-00001394